

## § 98.417

## 40 CFR Ch. I (7–1–12 Edition)

(4) Commodity code of the fluorinated GHGs and nitrous oxide shipped.

(5) Date on which, and the port from which, fluorinated GHGs and nitrous oxide were exported from the United States or its territories.

(6) Country to which the fluorinated GHGs or nitrous oxide were exported.

(e) By March 31, 2011, or within 60 days of commencing fluorinated GHG production, whichever is later, a fluorinated GHG production facility shall submit a one-time report describing the following information:

(1) The method(s) by which the producer in practice measures the mass of fluorinated GHGs produced, including the instrumentation used (Coriolis flowmeter, other flowmeter, weigh scale, etc.) and its accuracy and precision.

(2) The method(s) by which the producer in practice estimates the mass of fluorinated GHGs fed into the transformation process, including the instrumentation used (Coriolis flowmeter, other flowmeter, weigh scale, etc.) and its accuracy and precision.

(3) The method(s) by which the producer in practice estimates the fraction of fluorinated GHGs fed into the transformation process that is actually transformed, and the estimated precision and accuracy of this estimate.

(4) The method(s) by which the producer in practice estimates the masses of fluorinated GHGs fed into the destruction device, including the method(s) used to estimate the concentration of the fluorinated GHGs in the destroyed material, and the estimated precision and accuracy of this estimate.

(5) The estimated percent efficiency of each production process for the fluorinated GHG produced.

(f) By March 31, 2011, all fluorinated GHG production facilities shall submit a one-time report that includes the concentration of each fluorinated GHG constituent in each fluorinated GHG product as measured under § 98.414(n). If the facility commences production of a fluorinated GHG product that was not included in the initial report or performs a repeat measurement under § 98.414(n) that shows that the identities or concentrations of the

fluorinated GHG constituents of a fluorinated GHG product have changed, then the new or changed concentrations, as well as the date of the change, must be reflected in a revision to the report. The revised report must be submitted to EPA by the March 31st that immediately follows the measurement under § 98.414(n).

(g) Isolated intermediates that are produced and transformed at the same facility are exempt from the reporting requirements of this section.

(h) Low-concentration constituents are exempt from the reporting requirements of this section.

[74 FR 56374, Oct. 30, 2009, as amended at 75 FR 79168, Dec. 17, 2010; 76 FR 73905, Nov. 29, 2011]

### § 98.417 Records that must be retained.

(a) In addition to the data required by § 98.3(g), the fluorinated GHG production facility shall retain the following records:

(1) Dated records of the data used to estimate the data reported under § 98.416.

(2) Records documenting the initial and periodic calibration of the analytical equipment (including but not limited to GC, IR, FTIR, or NMR), weigh scales, flowmeters, and volumetric and density measures used to measure the quantities reported under this subpart, including the manufacturer directions or industry standards used for calibration pursuant to § 98.414(m) and (o).

(3) Dated records of the total mass in metric tons of each reactant fed into the F-GHG or nitrous oxide production process, by process.

(4) Dated records of the total mass in metric tons of the reactants, by-products, and other wastes permanently removed from the F-GHG or nitrous oxide production process, by process.

(b) In addition to the data required by paragraph (a) of this section, any fluorinated GHG production facility that destroys fluorinated GHGs shall keep records of test reports and other information documenting the facility's one-time destruction efficiency report in § 98.416(b).

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(c) In addition to the data required by § 98.3(g), the bulk importer shall retain the following records substantiating each of the imports that they report:

(1) A copy of the bill of lading for the import.

(2) The invoice for the import.

(3) The U.S. Customs entry form.

(d) In addition to the data required by § 98.3(g), the bulk exporter shall retain the following records substantiating each of the exports that they report:

(1) A copy of the bill of lading for the export and

(2) The invoice for the export.

(e) Every person who imports a container with a heel that is not reported under § 98.416(c) shall keep records of the amount brought into the United States that document that the residual amount in each shipment is less than 10 percent of the volume of the container and will:

(1) Remain in the container and be included in a future shipment.

(2) Be recovered and transformed.

(3) Be recovered and destroyed.

(4) Be recovered and included in a future shipment.

(f) Isolated intermediates that are produced and transformed at the same facility are exempt from the record-keeping requirements of this section.

(g) Low-concentration constituents are exempt from the recordkeeping requirements of this section.

[74 FR 56374, Oct. 30, 2009, as amended at 75 FR 79168, Dec. 17, 2010; 76 FR 73905, Nov. 29, 2011]

### § 98.418 Definitions.

Except as provided below, all of the terms used in this subpart have the same meaning given in the Clean Air Act and subpart A of this part. If a conflict exists between a definition provided in this subpart and a definition provided in subpart A, the definition in this subpart shall take precedence for the reporting requirements in this subpart.

*Isolated intermediate* means a product of a process that is stored before subsequent processing. An isolated intermediate is usually a product of chemical synthesis. Storage of an isolated intermediate marks the end of a proc-

ess. Storage occurs at any time the intermediate is placed in equipment used solely for storage.

*Low-concentration constituent* means, for purposes of fluorinated GHG production and export, a fluorinated GHG constituent of a fluorinated GHG product that occurs in the product in concentrations below 0.1 percent by mass. For purposes of fluorinated GHG import, low-concentration constituent means a fluorinated GHG constituent of a fluorinated GHG product that occurs in the product in concentrations below 0.5 percent by mass. Low-concentration constituents do not include fluorinated GHGs that are deliberately combined with the product (*e.g.*, to affect the performance characteristics of the product).

[75 FR 79169, Dec. 17, 2010]

## Subpart PP—Suppliers of Carbon Dioxide

### § 98.420 Definition of the source category.

(a) The carbon dioxide (CO<sub>2</sub>) supplier source category consists of the following:

(1) Facilities with production process units that capture a CO<sub>2</sub> stream for purposes of supplying CO<sub>2</sub> for commercial applications or that capture and maintain custody of a CO<sub>2</sub> stream in order to sequester or otherwise inject it underground. Capture refers to the initial separation and removal of CO<sub>2</sub> from a manufacturing process or any other process.

(2) Facilities with CO<sub>2</sub> production wells that extract or produce a CO<sub>2</sub> stream for purposes of supplying CO<sub>2</sub> for commercial applications or that extract and maintain custody of a CO<sub>2</sub> stream in order to sequester or otherwise inject it underground.

(3) Importers or exporters of bulk CO<sub>2</sub>.

(b) This source category is focused on upstream supply. It does not cover:

(1) Storage of CO<sub>2</sub> above ground or in geologic formations.

(2) Use of CO<sub>2</sub> in enhanced oil and gas recovery.

(3) Transportation or distribution of CO<sub>2</sub>.